

SEP - 1 2006

**MARY L.M. MORAN**  
**CLERK OF COURT**

IN THE UNITED STATES DISTRICT COURT  
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,	)	CRIMINAL CASE NO. 97-00074
	)	
Plaintiff,	)	
	)	<b>REPORT &amp; RECOMMENDATION</b>
vs.	)	<b>CONCERNING VIOLATIONS OF</b>
	)	<b>SUPERVISED RELEASE CONDITIONS</b>
FRANCIS A. AGUON,	)	<b>IN A FELONY CASE</b>
	)	
Defendant.	)	

On August 15, 2006, the United States Probation Office filed a Petition and supporting declaration alleging that the Defendant violated his conditions of supervised release. See Docket No. 41. Additionally, on August 28, 2006, the probation officer filed a Supplemental Declaration alleging further violations. See Docket No. 46. According to the Petition and Supplemental Declaration, the Defendant:


1. failed to appear for urinalysis testing on two (2) occasions;
2. admitted to the unauthorized use of methamphetamine on three (3) separate occasions.; and
3. failed to appear for a scheduled counseling session.

On August 29, 2006, the Defendant appeared with counsel before the Court. The Defendant knowingly and voluntarily waived his right to an evidentiary hearing and admitted to all the violations alleged. The Government, the Defendant, and the probation officer agreed that the appropriate sanction for the above violations was to modify the Defendant's conditions of supervision to include a provision that he shall serve six (6) days of intermittent confinement, at

1 the direction of the U.S. Probation Office, the Bureau of Prisons, and the U.S. Marshals Service.

2 Based on the Defendant's admissions, I therefore find probable cause to believe that the  
3 Defendant violated his conditions of supervised release. Accordingly, I hereby recommend that  
4 the District Judge modify the Defendant's conditions of supervised release as agreed upon by  
5 the parties. This matter is referred to the District Judge for appropriate disposition.

6 DATED this 1<sup>st</sup> day of September 2006.

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9 JOAQUIN V.E. MANIBUSAN, JR.  
10 United States Magistrate Judge

11 NOTICE

12 **Failure to file written objections to this Report within ten (10) days from the**  
13 **date of its service shall bar an aggrieved party from attacking such Report**  
14 **before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).**  
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